

UNITED STATES OF AMERICA
UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

RICHARD P. BERRINGTON,)	
)	
Plaintiff,)	Case No. 1:04-cv-150
)	
v.)	Honorable Robert Holmes Bell
)	
COMMISSIONER OF)	
SOCIAL SECURITY,)	
)	<u>MEMORANDUM OPINION</u>
Defendant.)	
)	

This is a social security action seeking review of a final decision of the Commissioner of Social Security. On August 9, 2005, a magistrate judge issued a 23-page report and recommendation (docket # 16), recommending that the Commissioner's decision finding that plaintiff was not entitled to disability insurance benefits (DIB) and supplemental security income (SSI) benefits be affirmed. The matter is now before the court for *de novo* review on the basis of plaintiff's objections to the report and recommendation. *See* FED R. CIV. P. 72(b). Plaintiff asks the court to disregard the report and recommendation, reverse the Commissioner's decision and award plaintiff benefits. Alternatively, plaintiff requests that the Commissioner's decision be overturned and that the court order a post-judgment remand pursuant to sentence four of 42 U.S.C. § 405(g). (docket # 17 at 7). Plaintiff argues that the magistrate judge's report and recommendation contains flawed analysis of the issues plaintiff raised concerning (1) the ALJ's credibility determination, (2) the weight the ALJ gave to Dr. Grove's opinions, and (3) the merits of plaintiff's due process claim. Upon review, the court finds that all plaintiff's objections are insubstantial. The court finds that the

magistrate judge's analysis on these issues to be correct and persuasive. Plaintiff's objections will be overruled, the magistrate judge's report and recommendation will be adopted as the court's opinion, and judgment will be entered in defendant's favor.

Date: August 23, 2005

/s/ Robert Holmes Bell
ROBERT HOLMES BELL
CHIEF UNITED STATES DISTRICT JUDGE